III.   REMARKS

   A.   Status

Claims 1-17 are pending of which claims 1, 13 are independent.

In the Office Action, the specification was objected to because the title is not descriptive and for various informalities. Office Action at 2. The drawings were objected to under 37 C.F.R. § 1.84(p)(5). *Id.* at 2-3. Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas et al. (U.S. Patent Publication No. 2003/0037068, hereinafter "Thomas") in view of Proehl (U.S. Patent No. 6,614,844, hereinafter "Proehl"). *Id.* at 3-7.

In this Amendment, the specification has been amended to overcome the objections. Amendment at 2-3. Claims 1-17 have been amended and claim 9 has been cancelled. Amendment at 4-7. Care has been exercised not to introduce new matter.

   B.   Specification Is In Compliance

The specification was objected to because the title was not descriptive and for various informalities. The specification has been amended accordingly. Amendment at 2-3. Withdrawal of the objection is respectfully requested.

   C.   Drawings Are In Compliance

The drawings were objected to because they failed to comply with 37 C.F.R. § 1.84(p)(5) because Figs. 1, 9, and 10 include reference to character "22," which is not mentioned in the description. Office Action at 2-3. In response, the specification has been amended to make reference to character "22" in the description. Amendment at 2. Hence, no change to the drawings is required and withdrawal of the objection is respectfully requested.

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D. Claims Are Not Obvious

Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being obvious over Thomas in view of Proehl. Office Action at 3-7. The rejection is respectfully traversed for the following reasons.

1. Claims 1-8 and 10-17 Are Not Obvious Over Thomas In View of Proehl

a. Thomas

In Thomas, only when video content (which corresponds to main data in our invention) is paused temporarily, that is, during pause-time, the information associated with the temporarily paused video content is incorporated into the video content or substituted for the video content and is rendered. Furthermore, in the Thomas reference, a technology is disclosed for making an advertisement, which is sure to be viewed and listened to by forbidding or permitting abnormal rendering (fast-forward, skip, and the like) of video content and advertising content in accordance with the information associated with the video content and advertising content.

However, the technology in Thomas is only to render the information associated with, for example, an advertisement in an abnormal mode like pause-time, when the advertising content is skipped over. The video data of the substitute information for substituting for the advertising content is not incorporated into main data in normal display mode of the main data. That is, in Thomas, a technology for deciding whether skip rendering for skipping over only the CM content is implemented (or not) and a technology for incorporating the video data of substitute data into main data in playback of normal playback mode after the CM content is skipped over are not disclosed at all.

b.   Proehl

In Proehl, without differentiating between video content (which corresponds to main data in our invention) and CM content (which corresponds to sub data in our invention), only during abnormal viewing mode such as fast playback mode, advertising information which has been superimposed upon the content which is playing back is incorporated into the video content and displayed by the abnormal playback.   That is, in Proehl, the CM content (sub data) is incorporated and displayed only in the abnormal playback mode, and in case the CM content is skipped over when the video content (main data) is rendered in normal playback mode, the skipped over CM content is not incorporated during the normal playback mode.

In Proehl, if content is skipped over, the content information which corresponds to the skipped over content cannot be extracted.   Furthermore, in Proehl, a structure for deciding whether skip rendering for skipping over only the CM content is implemented or not and a structure for incorporating the video data of substitute data into main data in playback of normal playback mode after the CM content is skipped over aren't disclosed at all.   Therefore, in case main data is rendered in normal playback mode after sub data is skipped over, the video data of substitute information superimposed upon the main data (video content) cannot be incorporated into the main data by being substituted for the skipped over sub data and cannot be rendered.

c.   The Present Application

The instant claims recite that in the case where sub data (e.g., commercial data) has been skipped over without being rendered and only the main data (e.g., the program video) has been rendered, then substitute data, such as a sponsor name from the associated commercial data, a commodity name, or a service name, which has been associated in advance with the skipped over sub data and embedded in the main data is changed into video data (such as, a bitmap image

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data). Hence, when the main data is rendered in normal display mode, the substitute data is incorporated into the main data and rendered. For example, amended independent claim 1 now recites: "...control means which...changes substitute data... into video data," and, "...incorporates said substitute data into said main data and makes video data associated with said substitute data render." Amendment at 4. Similarly, independent claim 13 now recites that, "said substitute data is incorporated into said main data when said main data is rendered...." Amendment at 6.

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d.   <u>Thomas and Proehl Don't Render The Independent Claims Obvious</u>

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As recited in both independent claims, even if the commercial data is skipped over, the substitute data which substitutes for the commercial data which has been skipped over is rendered for display with the main data. For example, a substitute for commercial information can be provided efficiently.

As mentioned above, Proehl and Thomas disclose that, only in the fast displaying mode of the sub data (such as advertisement, CM) or only during pause-time of the main data (video content such as a program), the information which is associated with the sub data is displayed. In case a user views and listens to content by skipping over the sub data and rendering the main data in normal display mode in which neither fast-forward nor temporary pause is implemented, the sub data is not provided to the user and viewing and listening of the content close.

In contrast to the cited prior art combination, even in case of general viewing and listening, in order that the information associated with the sub data is provided to a user, substitute data which has been associated with the skipped over sub data and embedded in the main data is changed into video data and when the main data is rendered in normal display mode the substitute data is incorporated into the main data and rendered with the main data. Neither

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Thomas nor Proehl disclose such a feature and hence combining the two references cannot render claims 1 and 13 obvious.

e.   Dependent Claims Are Not Obvious

Of course, a dependent claim cannot be obvious if the independent claim from which it depends is not obvious. As discussed above, Applicant respectfully submits that claims 1 and 13 are not obvious. Claims 2-8 and 10-17 depend from claims 1 and 13. Therefore, claims 2-8 and 10-17 are also not are not obvious.

2.   Rejection of Claim 9 Is Moot

Claim 9 was rejected under 35 U.S.C. § 103(a) as being obvious over Thomas in view of Proehl. Office Action at 7. However, claim 9 is cancelled herein. Amendment at 5. Hence, rejection of this claim is moot.
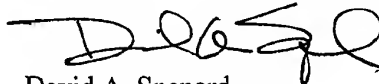
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IV. CONCLUSION

In conclusion, Applicant respectfully submits that the claims are now in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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